



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/374,989	08/16/1999	TORU MATAMA	1982-0129P	4436

2292 7590 05/14/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

WALKE, AMANDA C

ART UNIT	PAPER NUMBER
----------	--------------

1752

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/374,989

Applicant(s)

MATAMA

Examiner

Amanda C Walke

Art Unit

1752

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohan et al (5,837,433) in view of Suzuki et al (6,094,218).

Bohan et al disclose a color corrected display image that can be rapidly provided by color developing an imagewise exposed, silver halide color photographic material, scanning the developed image to form digital signals, and digitally manipulating those signals to correct either interimage interactions and/or gamma mismatches among at least two color recording units. The color negative material may contain an amount of masking coupler and Dmin adjusting dye of up to 0.2 mmol/ m². The limited amount reduces scanning noise and the Dmin adjusting dyes reduce the optical density which improves the scanning and digitization of the exposed material. Also, when the density sources are controlled in this manner, the silver halide emulsions may then be silver bromide and not predominantly silver chloride, but in order to shorten the processing time, it is preferred that the emulsions are silver chloride (column 10, lines 22-42). The material may contain a DIR coupler to aid in increasing the sharpness of the material although they may be obviated by employing the digital scanning and color correction

Art Unit: 1752

steps taught by the reference (column 11, lines 17-26 and 49-65 and column 12, lines 1-55).

The material is preferably encased in a spool cartridge (column 14, lines 4-17). Photographic processing of the material may be carried out using a conventional method for processing a film in a cartridge, or alternatively, can be processed by applying viscous solutions directly to the film surface. The residual error in the responses that are photographically processed by conventional means may be corrected by transforming the photographic color negative image to density representative digital signals and applying correction values to those signals. The material is scanned and the digital records may be manipulated to produce a color corrected digital record which may then be forwarded to an output device such as a silver halide film (column 20, line 39 to column 21, line 38). The resultant material has a good sharpness. The reference provides teachings for a silver halide photographic material having a color correction function due to a masking coupler and /or a DIR coupler, and interimage effects and for an alternative method of processing such a material which includes a step of digital manipulation to produce a color corrected image. Bohan fails to teach a material having a bar code in it or on the cartridge encasing it.

Suzuki et al disclose film cartridge having a bar code. The bar code may display film information such as the type or variety of the film (i.e. color film, positive film, or negative film), the frame number, and/ or the total number of frames. It may also display any information relating to photography such as time/date information and designated print size (column 6, lines 1-36). It is the position of the examiner that one of ordinary skill in the art would recognize that within the generic "color film", "positive film" and "negative film" are many types of materials which are different depending on the photographic additives in the film. One of

Art Unit: 1752

ordinary skill in the art would have been motivated to record detailed "type or variety of film" information in the bar code of Suzuki et al so that the information is available via an image reading device.

Given the teaching of the Suzuki et al reference that a bar code providing information related to photography may be contained on the film spool cartridge and the teaching of the Bohan et al reference that the color negative film may be encased in a cartridge, it would have been obvious to one of ordinary skill in the art the to encase the photosensitive material of Bohan et al which has a color correction function in a cartridge containing a bar code such as that described by Suzuki et al. in which the film information contained by the bar code is film variety or type information useful during digital processing for that specific material.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohan et al in view of Nair et al (5,753,426).

Bohan et al has been discussed above, but further teaches that the silver halide material of the invention may contain any conventionally employed layers such as filter layers, interlayers, subbing layers, and overcoats (column 7, lines 4-21).

Nair et al disclose a silver halide photographic material containing a transparent magnetic recording layer, which is capable of having coded information written and read therefrom. The information that is typically coded into the layer includes manufacturing data with regards to the various layers that are employed during the preparation of the film, information with regards to the properties of the various layers built into the substrate, and post-consumer information such as development related information, which is "helpful" to those in the developing laboratory (column 5, lines 2-23). Such information is useful in allowing a feedback loop to exposing

Art Unit: 1752

devices and/or processors that could compensate for differences in sensiometry from batch to batch or to compensate for changes as a function of film aging. These corrections would reduce the variability from day to day that might otherwise occur and result in more consistent results i.e. better image quality (column 1, lines 44-53).

Given the teaching of the Nair et al reference that at transparent magnetic layer coded with information related to photography may be included in a silver halide film, and the teaching of the Bohan et al reference that the color negative film may be encased in a cartridge, it would have been obvious to one of ordinary skill in the art the to encase the photosensitive material of Bohan et al which has a color correction function choosing to include the transparent magnetic recording layer of Nair et al in which the film information contained by the bar code is processing instructions for that specific material to improve the quality of the images formed, with reasonable expectation of achieving images having good color reproduction.

Response to Arguments

4. Applicant's arguments filed 3/4/2003 have been fully considered but they are not persuasive.

Applicant has argued that the combined references fail to teach the presently claimed invention as the magnetic bar code of Suzuki et al, which may display film information such as the type of variety of the film (i.e. color film, positive film, or negative film, the frame number, and/or the total number of frames), time/date information, and/or designated print size would not contain processing information, and that the material of Bohan fails to teach the color correction function.

Art Unit: 1752

Firstly, as addressed previously, the material of Bohan et al teaches a silver halide photographic material having a color correction function due to a masking coupler and/ or DIR coupler, interimage effects, and for an alternative method of processing such a material which includes a step of digital manipulation to produce a color corrected image. Although it is true that the reference states that the digital correction step to provide color correction obviates the need for color masking couplers in the elements, the reference specifically contemplates adding them to the element in an amount of up to 0.2 mmol/m^2 , thus it appears that the reference contemplates having both the color correction function due to the masking coupler and also perform the digital manipulation step. As for the material of Bohan not being dedicated to digital processing, the examiner points to the above cited portions of the reference which clearly describe such a processing step. Also, as addressed previously, it is believed that since this type of material includes a unique processing step, a cartridge containing the film, which has a bar code, would include information about this unique step.

Secondly, it is the examiner's position that since the bar code of Suzuki et al may contain information relating to photography with respect to the type of film contained in the cartridge, it would have been obvious to one of ordinary skill in the art to encode useful information relating to all photographic layers and the additives therein.

As the examiner has presented a clear and reasonable position based on the teachings of the two references, that the references obviate the presently claimed invention, the rejection is maintained despite the applicant's argument.

With respect to applicant's argument that the Nair reference fails to disclose a film for digital processing, the Nair reference is the secondary reference and it relied upon solely for its

Art Unit: 1752

teaching of the magnetic layer that may be used in a silver halide photographic film, not the film material itself. Bohan describes a material that is digitally processed and may have any known and useful layer besides the silver halide emulsion layers, thus the reference provides motivation to include the useful layer of Nair as set forth above by the examiner, therefore the rejection is maintained despite applicant's arguments.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C Walke whose telephone number is 703-305-0407. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the

Art Unit: 1752

organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

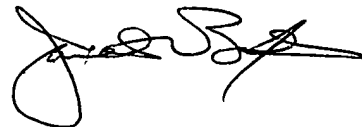
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



ACW

May 6, 2003

Amanda C Walke
Examiner
Art Unit 1752



JANET BAXTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700